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EXAMINER

HECK, MICHAEL C

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,161

Applicant(s)

CEPEDA, JOSE ALBERTO

Examiner

Michael Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a First Office Action in response to the application filed December 6, 2000. Claims 1-56 are pending in this application and have been examined on the merits as discussed below.

Drawings

2. The drawings are objected to because various figures are replete with mathematical discrepancies that contribute to confusion in what applicant regards as the invention.

3. The calculation for "Average Unit Cost" for the "# of DAM Held" on figure 5 does not hold true to the example communicated in the specification. For example, the specification uses the "# of QL" line as an example where the "Average Unit Cost" is calculated by dividing "Weighted Cost/Process" or \$4,892,265 by the "Total" column number of qualified leads or 267. Performing the calculation will yield \$18,323, which matches the number displayed on Figure 5. When performing the same calculation for the "# of DAM Held" line, (\$1,902,547 divided by 80) the answer is \$23,782, not the \$38,827 as indicated. The \$38,827 number is equal to \$1,902,547 divided by 49 or the "Division Level" column number, not the "Total" column number. It is respectfully submitted that the intent was to separate the Division Level,

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Board level, and HQ level into separate calculations so the total average unit cost for the "DIV Deals", "HQ Deals" and "BOD Deals" would be distinctly different. This is apparent because the sum of the "Weighted Cost/Process" column equals the "TOTAL" line, which means the "HQ Approval" and "BOD approval" lines were distinctly separate with their own cost associated with their respective cost/process, which meant that the balance, \$1,902,547, represents the Division Level cost, not the total "# of DAM Held" cost. The \$23,782 number was used in the calculation of the "Div Deals" cost, but it is respectfully submitted the \$38,827 number should have been used to indicate the true "DIV Deals" cost of --\$274,468--.

4. Figure 6 shows a complexity index by product that is a percentage of the "Total Business Unit" "QLtoClose" average cycle time in days. For example, the "Telcom" "Total Business Unit" average cycle time is 87 days. "Telcom" "Loan" average cycle time is 73 days. (73 divided by 87) multiplied by 100 will give you 83.90804%, or rounded up 84%, which is indicated on figure 6. "T&I" Business Unit products "Loans", "Lease", and "Common Equity" and "Energy" Business Unit products "Loan", "Energy", and "Equity" complexity index when rounded per the example above do not equal the numbers indicated on Figure 6.

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The specification does not indicate the base numbers themselves were rounded, therefore, it is presumed to be exactly as stated.

5. Figure 7 shows the "Division Level" and "Loan Total" adjusted cost (taking into account the complexity index) for the "# of DAM Held" to be "\$21,166" and "\$22,669". Referring to Figure 5 and the discussion above regarding the Division Level number, it is respectfully submitted that the base Division Level number used in the complexity index calculation should be \$38,827 resulting in a revised number of --\$34,556--. The "Loan Total" number for the "# of DAM Held" line should be --\$31,595--. The total "Close" number under the "Division Level" and "Loan Total" column should be --\$246,292-- and --\$243,331--, respectively. Otherwise, it is not clear how these numbers as shown in the figure were derived.

6. Figure 9, "PIC" line, "Close Deal Unit Cost" column shows a value of \$6796. According to the examiner's calculations and figure 7, the value should be \$8796.

7. Figures 7-10 show alternating values for the same item. Using the applicant's numbers, on figure 7 the "Loan Total" cost or the sum of "# of QL", "# of PICs", "# of Issued Proposals", "# of Awarded or Credit Request", "# of DAM Held", and "# Approved" is \$234,405. On Figure 8 the same value is \$234,222, Figure 9 the value \$234,405, and on figure 10 the

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value is \$234,222. As best ascertained by the examiner, the correct number is \$243,331. The correct value should be consistently reflected throughout the example displayed in the figures.

8. Terminology changes for the same item between figures. For example based on the numeric values presented, "# of QL" on figures 5, 7 and 8 becomes "Lead Generation" on figures 10 and 11. Likewise "# of PICs" becomes "PIC", "# of Issued Proposals" becomes "Proposal Issue", "# Awarded or Credit Request" becomes "Underwrite", "# of DAM Held" becomes "Approval", and "# Approved" becomes "Close". The same terminology should be used throughout the figures or explained in the specification as to the changes.

9. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be introduced.

Specification

10. The disclosure is objected to because of the following informalities:

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- a. Page 2, lines 12-13 states, "The system is receives information". It should be --The system receives information--.
- b. Page 2, lines 25-26 states, "computer program for allocate operating expenses to deal activity". It is respectfully recommended that in order for the sentence to be complete that it read --computer program is used to allocate operating expenses--.
- c. Page 10, line 9 states, "headquarter level 404 is \$259,276". Figure 5 shows HQ Deals, item 404, as \$259,278. Either the specification or the figure needs to change to ensure they match.
- d. Page 10, lines 24-25 states "to be 89% (63 days divided by 70 days)". (63 days divided by 70 days) then multiplied by 100 is 90%. The specification does not indicate the base numbers themselves were rounded, therefore, it is presumed to be exactly as stated. It is respectfully submitted that either the numbers accurately represent the calculations as stated in the specification or a statement of rounding be made in the specification that may better represent real world situations so the individual reading the document will better understand the example. If the days were not rounded, the line would then

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need to be changed to --to be 90% (63 days divided by 70 days)--.

e. Page 10, lines 29 states, "\$8,796,470". It is respectfully submitted that the number "\$8,796,470" is confusing. As best ascertained by the examiner, the applicant may have inadvertently mistyped what should have been --\$8,796 (reference numeral 470)--.

f. Page 11, lines 18-19 states, "a Total Cost per Close Deal 562, Total Costs per Close Deals". It should say --a Total Cost per Close Deal 562, Total Costs for Close Deals--.

11. The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 10, 28, 38, 39, and 50 are rejected under 35

U.S.C. 112, first paragraph, as containing subject matter which

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was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 10, 28, and 50 recite a method, system, and program to input information through one of a voice activation command and a device connected to the client system. Claims 38 and 39 describe a system where the sending component functions in response to a click of a mouse button and to a voice command, respectively. The details of what and how to input information into the database was not disclosed in the specification as originally filed. Therefore, it is respectfully submitted that the recitations of claims 10, 28, 38, 39 and 50 lacks support in the specification as originally filed since no such limitations were disclosed.

14. Claims 14, 15, 18, and 32-35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

15. Claims 14, 18 and 32-34 recite the method and system of providing various management reports by printing at least one of

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Operating Cost by Product identifying Total Costs, Close Deal Costs, Dead Deal Costs, Hit Rate, Close Deal Unit Cost, Total Cost per Close Deal and Operating Cost by Process identifying Cost associated with Lead Generation, Cost associated with PIC, Cost associated with Proposal Issue, Cost associated with Underwritten Deals, Cost associated with Deals Approved, Cost associated with Deals Closed, and Cost associated with all Deals; and printing at least one of an Operating cost for Loans by Process Report, an Operating Cost by Product Report, and an Operating cost for all Products by Process Report; and printing at least one of an Operating costs for Leases by Process Report, an Operating costs for Equity by Process Report, an Operating costs for Common equity by Process Report, and an Operating costs for Preferred Equity by Process Report. Although the specification states the cost allocation model further determines and displays the Unit Cost per Close Deal, a Total Cost per Close Deal, Total Costs per Close Deals, Total Costs for Dead Deals, Total Costs, Dead Deals as a percentage of Total Costs, and Hit Rates, the specification does not explain the calculations required to determine these line items nor what constitutes these line items to begin with.

The specification addresses "qualified lead (QL)", "pre-proposal Issue (PIC)", "proposal issue", "deal awarded", "deal

presented to approval committee (often referred to as DAM Held)", "approved", and "closed". As the example progresses the names of the items listed above change and are displayed on figure 9 with numbers (K\$) displayed. No explanation of the calculation to the breakout of the Close Deals and Dead Deals by process area is indicated.

The products listed in the specification include, but not limited to, loan, lease, common equity, and preferred equity. No explanation exists to further define what the product consists of. For example, Equity is identified as a product in Figure 10. It is unknown what is meant by equity, common equity, and preferred equity as it is used to describe the applicant's invention.

Although applicant's use of the terms to describe these line items seems to be descriptive, these are not standard terminologies used in the art. Therefore, it is unclear what constitutes these line items and what kind of calculations are involved in obtaining a meaningful result. These deficiencies are exacerbated by the fact that the drawing figures that apparently exemplify the disclosed invention are replete with discrepancies as explained above in the Objections to the Drawings. Hence it is respectfully submitted that the specification as originally filed fails to enable one of

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ordinary skill in the art to make and practice the invention as claimed without undue experimentation.

16. Claims 15 and 35 recite the steps of providing various management reports by determining at least one of average deal unit costs, beginning and ending inventory for active deals, total cost for terminated and closed deals, operation productivity, and product pricing; and printing at least one of average deal unit costs, beginning and ending inventory for active deals, total cost for terminated and closed deals, operation productivity, and product pricing. The specification does not address how to determine average deal unit costs, beginning and ending inventory for active deals, total cost for terminated and closed deals, operation productivity, and product pricing. Moreover, it is not understood what constitutes "inventory" since the specification was in the context of financial dealings. The lack of explanations and disclosure of the essential aspects of the invention as claimed renders the present specification as failing to enable one of ordinary skill in the art to make and use the invention as claimed.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 1-3, 6-9, 11, 13, 16, 17, 37, 40-45, 53 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan et al. (U.S. Pat. No. 5,799,286). Morgan et al. discloses an Activity-Based Management System comprising:

- [Claim 1] receiving business information (Col. 2, lines 19-22, Morgan et al. teaches the system is a relational database that receives traditional accounting information related to activities provided by the user);
- allocating operating expenses to a business unit's processes (Col. 4, lines 12-19, Figure 4, and Col. 5, lines 35-37, Morgan et al. teaches the system allocates the monetary cost or dollars to the activities performed. Additionally, site costs are distributed to management organizations according to the mapping of responsibility);
- computing an average deal cost (Col. 2, lines 5-9 and lines 48-54, Morgan et al. teaches traditional accounting information and activity information are used to generate cost associated with the activity. Component cost for each activity is computed);
- calculating deal costs per product by adjusting the average deal cost to reflect complexity differences between products since each product tends to have a different level of complexity that drives different processes and costs (Col. 20, lines 24-35, Morgan et al.

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teaches that based on the product driver, the cost is mapped to the product. The resultant number is a more meaningful and reliable measure of the actual cost of the product); and

- providing various management reports to track operating expenses by different categories to facilitate strategic decision making processes and improve operational productivity (Col. 17, lines 26-28, Col 20, lines 36-40, and Col. 21, lines 1-4, Morgan et al. teaches the system may generate reports summarizing information for many business purposes. The on-line report capability allows the user to "drill-down" to determine how the cost is derived. The system can be used strategically as a management tool to make strategic and operational decisions).
- [Claim 2] inputting at least one of a Number of Deals for a Specific Financial Reporting Period, Time spent per process as a percentage of Total Year, Deal Activity Segmentation Factors, Operating Expenses by a Business Unit, and an Average Cycle Time from Qualified Lead to Close in Days by Business Unit by Product Name (Col. 6, lines 2-13, Morgan et al. teaches entering percentage of time spent on activity for each employee over a given period of time).
- [Claim 3] include at least one of a Name of a Business Unit, a Product Name, a Deal Status identifying whether the Deal is Active, Close or Terminated, a Deal Milestone Stages, a Deal Approval Level (Col. 5, lines 13-25, Morgan et al. teaches the system divides a business organization into a business unit or management organization. Examiner notes applicant never defined Deal Activity Segmentation Factors in the specification. As best understood by the examiner, the division of an organization for profit and loss reporting and management responsibility and accountability is a business unit).
- [Claim 6] the step of storing business information (Col. 3, lines 61-63, Morgan et al. teaches the accounting data may reside on a data storage device in the form of a database).

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- [Claim 7] the steps of tracking business information on a real time basis (Col. 1, lines 59-61 and Col. 4, lines 5-11 and 62-67, Morgan et al. teaches the system provides continuous, dynamic, and real-time cost information and reports. The reports available may include a trend report. The system user may enter information via a workstation and display reports having two dimensions: level of detail and time);
- storing business information on a real time basis (Col. 1, lines 59-61 and Col. 4 lines 48-50, Morgan et al. teaches the system provides continuous, dynamic, and real-time cost information and reports. The data may be stored on a storage device and accessed by a database server); and
- updating the centralized database with revised business information on a real time basis to provide up-to-date information instantaneously to the user upon a request (Col. 1, lines 59-61 and Col. 4, lines 52-55, Morgan et al. teaches the system provides continuous, dynamic, and real-time cost information and reports. The database server is linked to the mainframe computer by a local or wide area network for automated uploading and downloading of information.)).
- [Claim 8] at least one of adding new information, deleting the current information and editing the current information stored in the database (Col. 6, lines 64-66, Morgan et al. teaches a master list of equipment may be entered, maintained, and updated).
- [Claim 9] the step of entering information on-line (Col. 3, lines 34-66, Morgan et al. teaches the user can enter information on a workstation through a graphical user interface (GUI)).
- [Claim 11] the steps of: downloading requested information from a server system (Col. 4, lines 52-54, Morgan et al. teaches a database server is linked to a mainframe computer for automated uploading and downloading of information); and

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- displaying requested information on a client system in response to the inquiry (Col. 4, lines 5-11, Morgan et al. teaches the system has an on-line reporting feature).
- [Claim 13] the step of printing requested information in a pre-determined format (Col. 4, lines 5-8 and 62-67, Morgan et al. teaches an on-line reporting feature that may generate predefined reports. The reports can be displayed on a graphic user interface running on a workstation. Inherently, a printing capability is incorporated with a computer workstation.)
- [Claim 16] the client system and the server system are connected via a network and wherein the network is one of a wide area network, a local area network, an intranet and the Internet (Col 4, lines 54-60, Morgan et al. teaches the database server is linked to a mainframe computer by a local or wide area network (LAN/WAN)).
- [Claim 17] the steps of: receiving business information which includes at least one of at least one of a Number of Deals for a Specific Financial Reporting Period, Time spent per process as a percentage of Total Year, Deal Activity Segmentation Factors, Operating Expenses by a Business Unit, and an Average Cycle Time from Qualified Lead to Close in Days by Business Unit by Product Name (Col. 2, lines 19-22 and Col. 6, lines 2-15, Morgan et al. teaches the system is a relational database that receives traditional accounting information related to activities provided by the user. Each employee enters the percentage of time spent on an activity over a given period of time.);
- allocating operating expenses to a business unit's processes (Col. 4, lines 12-19, Figure 4, and Col. 5, lines 35-37, Morgan et al. teaches the system allocates the monetary cost or dollars to the activities performed. Additionally, site costs are distributed to management organizations according to the mapping of responsibility);
- computing an average deal cost (Col. 2, lines 5-9 and lines 48-54, Morgan et al. teaches traditional accounting information and activity information are used to generate

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cost associated with the activity. Component cost for each activity is computed);

- calculating deal costs per product by adjusting the average deal cost to reflect complexity differences between products since each product tends to have a different level of complexity that drives different processes and costs Col. 20, lines 24-35, Morgan et al. teaches that based on the product driver, the cost is mapped to the product. The resultant number is a more meaningful and reliable measure of the actual cost of the product); and
- providing various management reports to track operating expenses by different categories to facilitate strategic decision making processes (Col. 17, lines 26-28, Col 20, lines 36-40, and Col. 21, lines 1-4, Morgan et al. teaches the system may generate reports summarizing information for many business purposes. The on-line report capability allows the user to "drill-down" to determine how the cost is derived. The system can be used strategically as a management tool to make strategic and operational decisions).
- [Claim 37] a displaying component; and a sending component to send an inquiry to the server system so that the server system can process and download the requested information to the client system (Col. 4, lines 5-67, Morgan et al. teaches a graphic user interface to display reports, a database server for uploading and downloading information to the mainframe computer, and an on-line report feature that generates pre-defined or user-defined reports).
- [Claim 40] said system is further configured to be protected from access by unauthorized individuals (Col. 5, lines 4-8, Morgan et al. teaches that security may be incorporated to lock out users who do not have authorized access).
- [Claim 41] a displaying component for displaying various user interfaces to the user, a receiving component for receiving an inquiry to provide information from one of a plurality of users, a collection component for collecting

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information from users into the centralized database, a tracking component for tracking information on an on-going basis, and an accessing component for accessing the centralized database and causing the retrieved information to be displayed on the client system (Col. 3, line 55 through to Col. 4, line 67, Morgan et al. teaches a graphical user interface for users to input and display data and reports as well as automated system to input data from another computer to the relational database where the data is stored on a data storage device and accessed by a database server. The system tracks current operational performance.).

- [Claim 42] a processing component for searching and processing received inquiries against the data storage device containing a variety of information collected by the collection component (Col. 4, line 5-8 and lines 52-54, Morgan et al. teaches the database server is linked to a mainframe computer for uploading and downloading information. The on-line feature may generate predefined or user-defined reports.).
- [Claim 43] a retrieving component to retrieve information from the data storage device (Col. 4, lines 52-67, Morgan et al. teaches the workstation may be connected directly to the database server through the LAN/modem. The graphic user interface allows the user to input data or display reports. Inherently, the workstation has a retrieving component to get the information to display.)
- [Claim 44] an information fulfillment component that downloads the requested information after retrieving from the data storage device to the plurality of users in the order in which the requests were received by the receiving component (Col. 4, lines 44-60, Morgan et al. teaches that the system is a LAN/WAN using a mainframe backbone connected to a relational database. Furthermore, Col. 5, lines 4-9 provides for different levels of access for multiple users.).
- [Claim 45] configured to receive input directly from a plurality of individuals and update the centralized database to reflect the current allocation of operating expenses by the business unit at a given time (Col. 4,

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lines 44-60, Morgan et al. teaches that the system is a LAN/WAN using a mainframe backbone connected to a relational database. Furthermore, Col. 5, lines 4-9 provides for different levels of access for multiple users.).

- [Claim 53] the network is a wide area network operable using a protocol including at least one of TCP/IP and IPX (Col. 4, lines 44-60, Morgan et al. teaches that the network is a LAN/WAN. IPX and TCP/IP are standard LAN/WAN protocols for transferring data over the network and are therefore considered inherent in Morgan et al.).
- [Claim 54] wherein the data is received from the user via a graphical user interface (Col. 3, lines 64-66, Morgan et al teaches a user inputs data on a workstation through a graphical user interface).

19. Claims 19-21, 24-27, 29, 30, and 36 recite a system for performing the method of claims 1-3, 6-9, 11, 13, and 16 including a web-based system for allocating operating expenses. It is respectfully submitted that Morgan et al. teaches computers connected via a network to allocate operating expenses in the manner discussed above for claims 1-3, 6-9, 11, 13 and 16.

20. Claims 46-49, 51, 55, and 56 recite a computer program embodied on a computer readable medium that, when executed by a computer, performs the method of claims 1-3, 6-9, 11, 13, and 16. Again, Morgan et al. teaches implementing the method of claims 1-3, 6-9, 11, 13, and 16 over a computer network as discussed above.

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21. Therefore, it is respectfully submitted that the system and computer program embodied on a computer readable medium are inherently incorporated in the invention disclosed in Morgan et al. Hence, the same rejection as stated above for claims 1-3, 6-9, 11, 13, and 16 applies to system claims 19-21, 24-27, 29, 30, and 36 and program claims 46-49, 51, 55 and 56.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. Claims 4, 5, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Pat. No. 5,799,286) in view of Cross et al. (Cross et al., Activity-based costing in commercial lending: The case of Signet Bank, Commercial Lending Review, Boston, Vol. 12, issue 4, Fall 1997, Pages 24-30, [PROQUEST]). Morgan et al. discloses an activity-based management system for a business organization that generates cost associated with activities performed to produce

products or provide services as discussed above. Morgan et al. fails to specifically teach the application of activity-based management in the financial industry even though Morgan et al. teaches using the method and systems for any service industry (the financial industry is considered a service industry).

Cross et al. teaches the application of activity-based costing at Signet Bank where a project was developed using activity-based costing to provide multiple views of profitability by product, customer, business unit, or any combination thereof (Page 24, col. 2, para. 1). Specifically the project was focused on commercial lending and describes the processing steps within the bank to complete a loan application from identifying potential customers to booking the loan (Page 28, col. 1, para. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Morgan et al.'s Activity-Based Management System within the financial industry. Cross et al. teaches it was well known to one of ordinary skill in the art that the financial industry was already using Activity-Based Cost management systems at the time of the invention. In addition to providing a framework for multiple views of profitability by product, customer, and business unit, the Activity-Based Management System as taught in Morgan et al. would help identify value-

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added activities and focus cost-improvement efforts for financial industries.

24. Claims 10, 12, 28, 31, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Pat. No. 5,799,286), as applied to Claim 1.

Claims 10, 28, and 50 recite the attributes of the computer workstation to include the ability to enter information at least through one of a voice activation command and a device connected to the client system. Morgan et al. fails to teach the detail configuration of the workstation. The examiner takes official notice that it is old and well known in the computer art that the voice activation feature using a device connected to a system may be configured on the computer system to give added capability to the system at the time the inventions was made. For instance, there were various computer dictation software packages for inputting text via voice and other voice activated devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a voice activation feature on the workstation to make it easier for the user to input and retrieve information without the need to physically engage an input device such as a keyboard or mouse since these available voice activation devices were produced for such a convenience.

Claims 12, 31, and 52 recite the step of displaying an HTML document downloaded by the server system. Morgan et al. fails to teach the formatting of the downloaded reports using HTML. The examiner takes official notice that it is old and well known in the computer art that HTML is a recognized standard document format for network-based systems to easily maintain document formatting and indexing at the time the invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use HTML formatted documents downloaded from a server system on a network to ensure consistency and ease of data transfer between systems allowing the information to be displayed in the proper and intended format.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kaplan et al. (Robert S. Kaplan and Robin Cooper, Cost and Effect: using integrated cost systems to drive profitability and performance, 1998, Harvard Business School Press, Boston, Massachusetts) discloses activity-based costing in service industries to include Banks. The case study on The Co-operative Bank shows activity

cost drivers such as administering mortgages used to trace the costs of each activity to the different bank products.

- McGuire et al. (McGuire et al., Implementing activity-based management in the banking industry, The Journal of Bank Cost & Management Accounting, San Francisco, Vol. 11, issue 1, 1998, pages 18-33 [PROQUEST]) discloses ABC as providing detailed information that describes the cost and consumption of activities and provide accurate cost information to managers to improve their decisions. The steps to implement ABC reviewed.
- Weiner (Weiner, J., Activity based costing for financial institutions, The Journal of Bank Cost & Management Accounting, San Francisco, Vol. 8, issue 3, 1995, start page 19, [PROQUEST]) discloses the objective of ABC is to understand sources of profitability by organizational unit, product, customer, and line of business. ABC is used to price and develop accurate product and activity unit cost. A step-by-step approach to implementing ABC is presented.
- Taney (Taney, C., Activity-based costing: The missing ingredient, The Journal of Bank Cost & Management Accounting, San Francisco, Vol. 11, issue 1, 1998, pages

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12-17, [PROQUEST]) discloses a database of activity unit costs that measures operating performance. Multiple reports are available to show profitability and product cost utilizing transactions by a profit center.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Any response to this action should be mailed to:
Commissioner of Patents and Trademarks, Washington D.C. 20231

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular and After Final communications.

The fax phone number for Informal/Draft communication, labeled "PROPOSED" or "DRAFT" is (703) 746-9419.

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7th floor receptionist.

mch
February 19, 2003


KYLE J. CHOI
PRIMARY EXAMINER
Art Unit 3623